

PTO/SB/51 (10-00)

Approved for use through 10/31/2002. OMB 0651-0033

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**SUBSTITUTE REISSUE APPLICATION DECLARATION BY  
THE INVENTOR****Docket Number (Optional)**  
**MTS-520US2**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 5,761,301, granted June 2, 1998, and for which a

reissue patent is sought on the invention entitled MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK,

the specification of which

☐ is attached hereto.

☒ was filed on December 7, 2001 as reissue application number 10/020,425  
with amendments as filed up to this date.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows: See Attachment.

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Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, VA 22313-1450.

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
MTS-520US2

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

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Lawrence E. Ashery 34,515

Jack J. Jankovitz 42,680

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application. Any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)  
Mitsueki Oshima

Inventor's signature

*Mitsueki Oshima*

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Date

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Citizenship

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Full name of second joint inventor (given name, family name)  
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Inventor's signature

*Yoshihito Gotoh*

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Full name of third joint inventor (given name, family name).

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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4-71751320US2\REISSUE DECLARATION INVENTOR SUBSTITUTE.DOC.

**Attachment to PTO/SB/51 (12-97)  
Reissue Application Declaration by the Inventor**

At least one error upon which reissue is based is described as follows:

During the prosecution of the application that issued as the above patent, the inventors did not recognize that the features disclosed in the patent at column 12, lines 30-36 were appropriate to claim. As such, the inventor's did not claim all that they had a right to claim. This error was made without deceptive intent. Specifically, the inventors did not claim any one or more of the features of the reflective layer being trimmed by a laser to form a barcode-like trimming pattern or at least one marking.

In addition, the inventors did not claim any one of the features of trimming the reflective film of an optical disk to form markings by a laser, where the markings form a barcode pattern indicating information, and the markings are formed on a track of the optical disk; and pits are provided between successive markings of the barcode pattern. These errors were made without deceptive intent.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which the priority date is claimed:

**Prior Foreign Application(s)**

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
6-283415	Japan	17/November/1994
7-016153	Japan	02/February/1995
7-261247	Japan	09/October/1995